	STATES DISTRICT COURT _ DISTRICT OF
Plaintiff v.))) Case No.)
Defendant.)))

NOTICE

You are hereby notified that an installment payment order is being sought against you pursuant to 28 U.S.C. § 3204 by the United States Government, which has a court judgment against you in Case Number ______, in the United States District Court for the ______ District of ______ in the amount of \$______, plus interest [and penalties] accruing after the date[s] of assessment pursuant to law for [specify type of tax(es) and tax period(s)].

In addition, you are hereby notified that there are exemptions under the law which may protect some of your income from being subject to Court-ordered installment payments if you can show that the exemptions apply. Below is a summary of the major exemptions which apply in most situations in the State of [specify name of State where debtor resides]:

Under 28 U.S.C. § 3014 you have the choice of electing to exempt certain types of income from the collection efforts of the United States in a motion for installment payments. You may elect to exempt one of the following two types of property:

- (1) the type of property specified in § 522(d) of the Bankruptcy Code (11 U.S.C.), which generally provides exemptions for:
 - \$7,500 in equity in a residence;
 - \$1,200 in equity in a motor vehicle;
 - \$ 500 in jewelry;
 - \$4,000 in personal property;
 - In addition, a debtor who does not own a residence or who has less than \$7,500 in equity in a residence may exempt an additional \$3,750 in personal property. Additional exemptions or limited exemptions apply to such items as insurance contracts, pensions and various benefits such as Social Security;

OR

(2) any property that is exempt under any other Federal nonbankruptcy law, or State or local law that is applicable and any property in which you had, immediately prior to the filing of the application for an installment payment order, an interest as a tenant by entirety or joint tenant, or an interest in a community estate, to the extent such an interest is exempt from process under applicable nonbankruptcy law. Note that the law of the state where you have been domiciled for at least 180 days governs your rights. Under the laws of the State of [Kansas] the following exemptions may apply:

TYPE STATUTE SECTION

Public -All exempt. -Kan. Stat. Ann. Ssistance $\S \S 39-717$ and 60-2313(a)(2)

¹ The following list of specific exemptions pertains to the State of Kansas, and is provided here merely as an example. The trial attorney must specify the specific exemptions that are appropriate for the sate where the debtor resides. That information should be readily available in the debt collection unit of each United States Attorney's office.

Unemployment Compensation	-Exempt as long as not commingled	-Kan. Stat. Ann. §§ 44-718 and 60-2313(a)(3)
Wages	-Exempt, except for the lesser of, per week, 25% of the debtor's weekly disposable earnings or amounts by which such earnings exceed 30 times the federal minimum wage, whichever is less.	-Kan. Stat. Ann. § 60-2310
Workers Compensation	-All Exempt	-Kan. Stat. Ann. §§44-514 and 60-2313(a)(3)
Pension, Retirement, Disability, Death or Other Benefits	-Benefits under vari- ous employee retire- ment systems are exempt	-Kan. Stat. Ann. §§ 60-2308, 60-2313(a)(1) and provisions cited therein
Insurance	-Exempt (subject to exemptions).	-Kan. Stat. Ann. §§ 40-414 and 60-2313(a)(8)
Crime Victims' Compensation Awards	-Exempt (with Exemptions.)	-Kan. Stat. Ann. §§ 74-7313 and 60-2313(a)(6)
Fraternal Benefit Society	-All exempt.	-Kan. Stat. Ann. §§ 40-748, 40-711, and 60-2313(a)(10)

If you are [name of judgment debtor], you have a right to ask the court to exclude income that you believe qualifies under

one of the above exemptions² [or to explain to the court that you think you do not owe the money to the United States Government that it says you do.]]

If you want a hearing, you must notify the court within 20 days after you receive this notice. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the Court at [specify address of clerk of court]. If you wish, you may use this notice to request the hearing by checking the box below and mailing this notice to the court clerk. You must also send a copy of your request to the Government addressed to [name of trial attorney], United States Department of Justice, Tax Division, P.O. Box _____, Washington, D.C. 20044, so the Government will know you want a hearing. The hearing will take place within 5 days after the clerk receives your request, if you ask for it to take place that quickly, or as soon thereafter as possible.

At the hearing you may explain to the judge why you think certain income is exempt³ [or why you think you do not owe the money to the Government.]

If you think you live outside the Federal judicial district in which the court is located, you may request, no later than 20 days after you receive this notice, that this proceeding to

² Add the following only in the case of a default judgment.

³ Add the following only in the case of a default judgment.

obtain court-ordered installment payments be transferred by the court to the judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the clerk of the court at [specify address of clerk of court]. You must also send a copy of your request to the Government addressed to [name of trial attorney], United States Department of Justice, Tax Division, P.O. Box _____, Washington, D.C. 20044, so the Government will know you want the proceeding to be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the clerk of the court. The clerk is not permitted to give legal advice, but can refer you to other sources of information.

[Seal of Court]	
Dated:	Clerk, U.S. District Court
my claims. Notice of the lat the address below. I [6]	ourt hearing to decide the validity of nearing should be given to me by mail check one]dodo not want the in five days after the clerk receives
Address	Phone No.

Debtor's printed	Signature of Debtor	Date
or typed name		

		STATES DISTRICT COURT _ DISTRICT OF	
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	Defendant.)))	

MOTION FOR INSTALLMENT PAYMENT ORDER

In support of this motion, the United States relies on the attached Declaration of trial attorney ______ and the exhibits attached thereto. The United States requests a hearing on this matter pursuant to 28 U.S.C. § 3204(a). A memorandum of law further explaining the basis for this motion is submitted herewith.

[Name of US Attorney]
United States Attorney

Trial Attorney
Tax Division
U.S. Department of Justice
P.O. Box
Washington, D.C. 20044
Telephone: (202)

	IN THE UNITED FOR THE	STATES DISTRICT COURT DISTRICT OF	
v.	 Plaintiff))) Case No.)	
	Defendant.)))	

MEMORANDUM IN SUPPORT OF MOTION FOR INSTALLMENT PAYMENT ORDER

The United States submits this memorandum in support of its motion for an installment payment order pursuant to 28 U.S.C. § 3204.

Pursuant to Rule 69 of the Federal Rules of Civil Procedure post-judgment interrogatories were propounded to [last name of judgment debtor] by the United States. A copy of the interrogatory answers is attached as Exhibit 1. [Describe what

other financial information has been ascertained through discovery or otherwise.]

In response to the interrogatories, [last name of judgment debtor] stated that [describe in detail what is known about the judgment debtor's income from self-employment or about the judgment debtor's diversion or concealment of earnings such that the Government is entitled to an order under 28 U.S.C. § 3204.] [In addition the Government has learned through [depositions] [describe other information learned and how it was learned] that....]

Although it has been _____ months since entry of judgment, [last name of judgment debtor] has refused to satisfy the judgment voluntarily or to agree to make periodic payments pursuant to a payment schedule. Therefore, the United States requests that the Court grant an installment payment order, pursuant to 28 U.S.C. § 3204, requiring [last name of judgment debtor] to make monthly payments to the United States in the amount of \$______. Monthly payments of \$______ are reasonable considering the substantial income earned by [last name of judgment debtor], [his] [her] reasonable living expenses, and the size of the judgment.

In addition, there is nothing about [last name of judgment debtor]'s financial situation that indicates that monthly payments of \$_____ would impose an undue financial hardship on [him][her].

The Federal Debt Collection Procedures Act of 1990, 28 U.S.C. § 3000, et seq., was enacted to provide a comprehensive statutory framework for the collection of debts owed to the United States. It was meant to improve the Government's speed and efficiency in collecting debts. H.R. Rep. No. 736, 101st Cong., 2d Sess. (1990 U.S. C.C.A.N. 6630). § 3204 of the Act (28 U.S.C. § 3204) specifically authorizes a district court to order a judgment debtor with "substantial" earnings from selfemployment to "make specified installment payments to the United States." Pursuant to § 3204(b) the Court can subsequently order an increase or decrease in the installment amount upon a showing that the judgment debtor's financial circumstances have changed. As Exhibit 1 reveals, [last name of judgment debtor] is [receiving substantial non-exempt disposable earnings from selfemployment that are not readily subject to garnishment because ...] [diverting or concealing substantial earnings from [specify source of earnings]] and is not subject to any present writ of garnishment. [Last name of judgment debtor] has a legal obligation to pay to the United States the amount of the judgment, plus interest [, penalties,] and costs, entered in this action. [last name of judgment debtor] has to date chosen to ignore that obligation. Court-ordered installment payments are a fair, efficient, statutorily authorized means to ensure that [last name of judgment debtor] begins to meet [his] [her] legal obligation to the United States.

CONCLUSION

For the foregoing reasons, the motion for an installment payment order should be granted and the judgment debtor ordered to pay over to the United States the amount of \$_____ per month until the judgment (including interest [and penalties] accruing pursuant to law, and the ten-percent surcharge imposed by 28 U.S.C. § 3011) is satisfied.

United States Attorney

Trial Attorney
Tax Division
U.S. Department of Justice
P.O. Box
Washington, D.C. 20044
Telephone: (202)

		STATES DISTRICT COURT
FC	OR THE	DISTRICT OF
v.	— Plaintiff —))) Case No.)
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		N SUPPORT OF MOTION MENT PAYMENT ORDER
1. The t	Jnited States of	America is the judgment creditor in
the above-cite	ed action.	
2. On		judgment in the amount of
\$, plus interest	accruing after the date[s] of
assessment ([s	specify date(s)])	and costs, was entered by this
Court in favor	of the United S	States against the
[plaintiff][de	efendant], [speci	ify full name of judgment debtor]
3. [last	name of judgmer	nt debtor] submitted interrogatory
answers contai	ining financial i	information. A true copy of the
interrogatory	answers is attac	ched hereto as Exhibit A.
4. To da	ate, [last name o	of judgment debtor] has made no

payments on the judgment debt and as of [current date], there is

due and owing the sum of \$_____, including all accrued

interest and [penalties].

5. No previous application has been made for an installment payment order and no writ of garnishment is in effect under 28 U.S.C. § 3205 in this action.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this _____, 199_.

Trial Attorney
Tax Division
U.S. Department of Justice
P.O. Box

Washington, D.C. 20044 Telephone: (202) -

	IN THE UNITED FOR THE	STATES DISTRICT COURT DISTRICT OF	_
v.	Plaintiff))) Case No.)	
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ORDER FOR INSTALLMENT PAYMENTS

This matter having come on for hearing on the ____ day of ____, 199_, and upon consideration of the motion and supporting exhibit[s] and memorandum of law, this Court finds that the judgment debtor, [full name of judgment debtor] [is receiving or will receive substantial nonexempt disposable earnings from self employment that are not subject to garnishment] [is diverting or concealing substantial earnings from [specify source]. Accordingly it is ORDERED pursuant to 28 U.S.C. § 3204 that the judgment debtor, [full name of judgment debtor], pay from [his] [her] nonexempt disposable earnings to the United States of America, the sum of \$_____ per ____ beginning _____, to be applied to [name of judgment debtor]'s judgment debt in this action until the judgment debt (including all accrued interest, [penalties], costs, and the tenpercent surcharge imposed by 28 U.S.C. § 3011) is fully satisfied.

The payments shall be delivered to [specify full name and address of the IRS office (generally Special Procedures) that will be responsible for monitoring and receiving payments] by the [specify the day of week or date of month on which payments must be made].

UNITED STATES DISTRICT JUDGE